

LABOUR DEPARTMENT

The 22nd September, 1986

No. 9/8/86-6Lab./6936.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award: Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Talbros Automotive Components Limited, 14/1, Mathura Road, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 189 of 1985

between

SHRI NIRANJAN SHARMA, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S TALBROS AUTOMOTIVE COMPONENTS LIMITED, 14/1, MATHURA ROAD, FARIDABAD.

Present.—

Shri Amar Singh Sharma, for the workman.

Shri R. N. Rai, for the respondent-management.

AWARD

This reference under section 10(1) (c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—*vide* its endorsement No. ID/FD/41/85/15522—27, dated 12th April, 1985 to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Niranjana Sharma, workman and the respondent-management of M/s. Talbros Automotive Component Limited, 14/1, Mathura Road, Faridabad. Accordingly, it has been registered as reference No. 189 of 1985.

2. The claim of the petitioner is that he was employed by the respondent on 12th June, 1983 as a helper at monthly pay of Rs. 376 per month, and his performance was without any complaint but despite of the same, his services were terminated on 14th December, 1984. It has been pointed out by him that he was a member of ESI scheme and on 6th July, 1984 he was involved in an accident while performing his duty and he was referred to ESI dispensary and he was medically declared fit and on that basis he went to the respondent to report on duty on 14th December, 1984, but to his surprise, he was not allowed to resume the same and he was told that his services had been terminated. It is now alleged that his services were dispensed within an illegal manner and against the principles of natural justice since he was sick due to the injury received in the accident while performing his duty. Accordingly request was made to reinstate him in his job with continuity and further with full back wages. It is also averred that he had served a demand notice upon the respondent but without any result. The matter could not be settled on departmental level and then only the reference has been received.

3. On notice, the respondent has filed written statement and contested the claim. It has been emphatically alleged that the petitioner was employed on 12th June, 1983. According to it as a matter of fact was employed on 12th June, 1984 as a helper only on temporary basis. However, it has been admitted that this workman was involved in an accident on 6th July, 1984 while on duty and he had been getting medical treatment and other benefit under ESI Scheme. The respondent has come forward with the plea that his absence from duty due to sickness has exhausted the period of his appointed and as such his services were terminated with effect from 16th December, 1984 and he was informed that he would be taken on job as and when there would be any vacancy. It is being pleaded that the said order of terminating his services is proper, legal and justified, and petitioner is not entitled for the relief prayed for.

4. By way of replication, the petitioner has rebutted his claim as well as allegations also. On the pleadings of the parties, my learned predecessor had framed the following issue,—*vide* his order dated 12th August, 1985 :—

- (i) Whether services of Shri Niranjana Sharma, were legally and rightly terminated and if not, what type of relief he is entitled?

(As per reference)

5. In support of the claim, petitioner Shri Niranjana Sharma has appeared to depose on 5th March, 1986. On the other side, Personal Manager, of the respondent also appeared to justify termination order. Time Keeper has also been examined by the respondent-management. I have heard both the parties as represented above. My findings on the said issue is as follows :—

6. This petitioner had claimed,—*vide* his demand notice dated 17th December, 1984 as well as claim statement dated 17th July, 1985 that he was employed by the respondent on 12th June, 1983. It has been emphatically denied by the respondent,—*vide* its written statement dated 29th July, 1985.

The petitioner had rebutted on oath that he was appointed on 12th June, 1983 as a helper. In between the parties, there is no dispute that his services were terminated on 14th December, 1984 and as such it is to be seen whether he was appointed on 12th June, 1983. It is petty that in support of this claim, the petitioner has not been able to produce any documentary evidence. During the course of hearing the arguments, I have enquired from the Representative of the petitioner to produce the documentary evidence if any with the petitioner, but he has shown his inability to produce any document. Under these circumstances, I am not in a position to accept the claim of the petitioner that he was appointed on 12th June, 1983.

7. On the other hand, the claim of the respondent is that he was employed only on 12th June, 1984 and in support of the same documentary evidence has been produced and proved by Personal Manager. He has referred two applications Ex. M-1 of the petitioner and further appointment letter Ex. M-2. Ex. M-3 statement of declaration form by the respondent towards ESI scheme has also been proved. These documents were put to this petitioner during the course of his recording his statement. He has admitted his signatures on Ex. M-1 application form and Ex. M-2 appointment letter. It is based on record duly maintained by the respondent and as such I take his appointment date as 12th June, 1984.

8. In between the parties, there is no dispute that this petitioner was involved in an accident on 6th July, 1984 and had availed medical facilities etc. under ESI Scheme and his services were terminated on 14th December, 1984. In this manner the period of his service including sick leave etc. come to about 6 months only (182 days).

9. Now the question arises, whether the petitioner is entitled for any protection of his job on the basis of his record of service. In other words it is to be determined whether a workman having continuous service of 182 days is entitled to be reinstated. I am afraid that he is not entitled for any relief. In this respect reference has to be made to Section 25-F of the said Act. According to the same a workman having continuous service for one year or more cannot be retrenched by his employer except according to the provisions thereof. Unfortunately, no protection has been provided in the Act for a worker having service of less than one year. I get support from 1981-Lab. 1. C. Page 719 Subhash Prohit v/s. State of Rajasthan. As a result of the above discussions, I come to the conclusion that this petitioner is not entitled to be reinstated into his job since he had been in continuous service for less than one year and as such he has to be treated as a casual worker. The reference received is hereby answered against the petitioner and in favour of the respondent. The parties are hereby left to bear their own costs.

A. S. CHALIA,

Presiding Officer,

Labour Court, Faridabad.

Dated the 31st July, 1986.

Endst. No. 1932, dated the 5th August, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

A. S. CHALIA,

Presiding Officer,

Labour Court, Faridabad

No. 9/8/86-Lab/6959. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Oriental Steel and Industries, 20/1, Mathura Road, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT.
FARIDABAD

Reference No. 147 of 1986

between

SHRI GOPAL NAYAKS/O SHRI U. NAYAK, H. NO. 746, JAWAHAR COLONY,
FARIDABAD, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
ORIENTAL STEEL AND INDUSTRIES, 20/1, MATHURA ROAD, FARIDABAD

Present.—

None, for the workman.

Shri Ramesh Kumar, for the respondent,

AWARD

This reference under section 10 (i) (c) of Industrial Dispute Act, 1947 (Act No. 14 of 1947), as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/FD/17467-71 dated 21st May, 1986 to adjudicate upon the dispute of service matter covered by Second Schedule under Section 7 of the said Act, arisen between Shri Gopal Nayak workman and the respondent-management of M/s. Oriental Steel and Industries Ltd., 20/1, Mathura Road, Faridabad. Accordingly, it has been registered as reference No. 147 of 1986. The reference has been received with the following issue :—

Whether the services of the workman Shri Gopal Nayak were terminated or he has abandoned his job by absenting himself ? If so what type of relief he is entitled for ?

2. Notice was issued to both the parties. Shri Gopal Nayak, petitioner has not turned up and it has been reported by the postal authorities that he is not available at the given address. On behalf of the respondent Shri Ramesh Kumar has appeared and he has produced photostat copies of settlement, received as well as service certificate also. It has been stated by him on oath that this workman has since received from the respondent the amount of Rs. 10,000/- towards full and final settlement of his claim and as a result of that he is not entitled for any other relief. His statement to this effect has been recorded. The reference received from the Govt. is hereby accordingly answered to this effect that matter has since been fully settled and this workman is not entitled for reinstatement/re-employment in the respondent unit and no other item between the parties remained pending. The reference is accordingly answered.

A. S. CHALIA,

Dated the 24th July, 1986.

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 1779, dated the 30th July, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6Lab/6960.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Himalya Cold Storage and Ice Plant Sohna Road, Ballabgarh.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 148 of 1986

between

SHRI VISHNU BAHADUR, WORKMAN C/O INTUC UNION OFFICE, NAHAR SINGH,
MARKET, BALLABGARH AND THE RESPONDENT-MANAGEMENT OF M/S. HIMALYA
COLD STORAGE AND ICE PLANT, SOHNA ROAD, BALLABGARH

Present :—

None, for the workman.

Shri R. K. Aggarwal, for the respondent-management.

AWARD

This reference is under section 10 (i) (c) of the Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its

endorsement No. ID/FD/17460—65, dated 21st May, 1986 to adjudicate upon the dispute of service matter covered by second schedule under section 7 of the said Act, arisen between Shri Vishnu Bahadur, workman and the respondent management of M/s. Himalya Cold Storage and Ice Plant, Sohna Road, Ballabgarh. Accordingly, it has been registered as reference No. 148 of 1986.

No body is present on behalf of the workman. Though the case has been called several times. It is 9.05 a. m. From the side of respondent Shri R. K. Aggarwal is present. It means that the workman is not interested to pursue the matter of service. The reference made is hereby answered and claim is dismissed.

Dated, the 24th July, 1986.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1781, dated the 30th July, 1986.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6 Lab./6961.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Curewell India Ltd., Plot No. 2, Sector 6, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 149 of 1986

between

SHRI JAGDISH PAL SINGH, WORKMAN AND RESPONDENT-MANAGEMENT OF
M/S CUREWELL INDIA LTD., PLOT NO. 2, SECTOR 6, FARIDABAD

Present.—

None, for the workman.

Shri H. L. Kapoor, for the respondent-management.

AWARD

This reference under section 10(i)(c) of Industrial Disputes Act, 1947, (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/FD/8-86/174-13-17, dated 21st May, 1986 to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Jagdish Pal Singh, workman and the respondent-management of M/s. Curewell India Ltd., Plot No. 2, Sector 6, Faridabad. Accordingly, it has been registered as reference No. 149 of 1986.

No body is present on behalf of the workman. Though the case has been called many a times. It is 9.30 a.m. It shows that the workman is not interested to pursue the reference. Hence the award is given that there is no dispute between the parties.

Dated the 24th July, 1986.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Endorsement. No. 1728, dated 30th July, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

A. S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.